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STATINTL

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Appeals Court Upholds Firing Of CIA Man

Modified Hearing

The Government, represented by Assistant United States Attorney Judah Best, agreed Mr. Torpats was not afforded a "judicial-type" hearing with right of confrontation, counsel and other rights.

Such a hearing was not required, the Government maintained. The Court of Appeals, in affirming summary judgment for the Government, said the CIA director acted within his authority.

The opinion said the National Security Act of 1947 vested a broad discretion in the director of the CIA to terminate the employment of persons "in the interest of the United States."

The United States Court of Appeals has upheld the discharge from the Central Intelligence Agency of an intelligence officer who said "jealous" officials arranged his ouster.

John Torpats, 62, of 5034 North Thirty-sixth street, Arlington, Va., filed suit in 1961 to regain his position. A District Court judge granted summary judgment for the Government.

In yesterday's opinion, the appellate court said Mr. Torpats, a CIA employe from 1949 to 1961, had been in "conflict" with his superiors. The court said a "security" discharge was not involved.

Mr. Torpats, in an affidavit filed in the case, contended his discharge grew out of a mission to Europe in 1956 after which he was placed under house arrest by other CIA officials.

Given New Job

He said in his affidavit that he was accused of disobeying orders while conducting his assignment in Europe and with demonstrating poor judgment in conducting an interrogation.

In 1957, Mr. Torpats said, he was told an Employment Review Board had rejected a recommendation that he be fired, but had recommended that he be assigned to an office where his "skills may be utilized."

He said he was given a new job with almost nothing to do and accused in 1958 of "poor judgment," "inability to handle agents" and other charges, including "inflexibility and stubbornness."

After further proceedings, his employment was terminated in January, 1961. In appealing his discharge to the courts, Mr. Torpats charged he had not been given an appropriate hearing.

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